IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

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**WRIT PETITION NO : 22135 of 2003**

Between:

Srikakulam Diocese Society (A Society registered under the Societies Act), Srikakulam, rep. by the Deputy Manager,

Rev. Thomas Christopher. **..... PETITIONER**

AND

1 The Collector, Vizianagaram District, Vizianagaram.
2 The Sub collector, Parvathipuram, Vizianagaram District.
3 The Project Director, ITDA, Parvathipuram.
4 The Regional Joint Director of School Education,

Kakinada, East Godavari District.
5 The District Educational Officer, Vizianagaram.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, in the nature of a writ of Mandamus or any other appropriate writ, direction or order declaring the proceedings Rc.No.3781/2003 H2, dated 07/10/2003 of the Collector, Vizianagaram, as illegal, void and without jurisdiction and direct the Regional Joint Director of School Education, Kakinada and the District Educational Officer, Vizianagaram, to pass orders approving the selections without reference to and being influenced by the said proceedings dated 07/10/2003 of the Collector.

**Counsel for the Petitioner: MR. P.DHARMESH**

**Counsel for Respondents 1 to 5: GOVERNMENT PLEADER FOR SCHOOL**

**EDUCATION**

**The Court made the following ORDER:**

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Heard both the Counsel appearing for the parties.

2. It is the case of the petitioner-Srikakulam Diocese Society (A Society registered under the Societies Act), Srikakulam (for short, 'the Society') that the District Educational Officer, Vizianagaram, has accorded permission vide proceedings in Rc.No.78/B1/2003, dated 6-8-2003, for filling up of certain vacancies in four schools under the control of the Society in accordance with law and as per the orders of the Government in G.O.Ms.No.1, Education (PS2) Department, dated 1-1-1994. The Selection Committee met on 28-8-2003. As the Management proposed for conducting tests, the District Educational Officer approved the dates for the written and oral tests and the selection process was also completed as per the schedule. Thereafter, on a Press report dated 31-8-2003, the District Collector, Vizianagaram, ordered for an enquiry and as per the orders of the District Collector, the Joint Collector vide his proceedings in Rc.No.3781/2003 H2, dated 4-9-2003, requested the District Educational Officer to cause an enquiry and submit a report on the allegations of some irregularities in such selection process based on the news item published in Eenadu, Vaartha and Andhra Jyothi on 31-8-2003. Thereafter, the District Educational Officer submitted a report on 2-9-2003 stating that there are no irregularities and the selections were took place as per the procedure prescribed under G.O.Ms.No.1, Education (PS2) Department, dated 1-1-1994. Even after the report submitted by the District Educational Officer, the Assistant Collector, Parvathipuram enquired into the details on the allegations and the Assistant Collector filed his report stating that there are certain irregularities but he did not find anything against the District Educational Officer. The District Collector, based on the report of the Assistant Collector, issued the orders in Rc.No.3781/2003 H2, dated 7-10-2003, cancelling the selections taken up on 11-9-2003 and 13-9-2003, and ordered for reconduct of selection. Questioning the said order, this writ petition has been failed.

3. Admittedly, neither the Collector nor the Joint Collector or Sub-Collector have any role to play with regard to the selection to be made as per the orders of the Government in G.O.Ms.No.1, Education (PS2) Department, dated 1-1-1994. If there

are any irregularities it is for the concerned authorities under the said G.O. to take appropriate action. The Regional Joint Director of School Education or any appropriate authority is empowered to take action under the A.P. Education Act and Rules framed there under. Therefore, the said orders of the District Collector are without any power or authority and accordingly, the said orders of the District Collector dated 7-10-2003 are set aside. But, however, if there are any irregularities, it is open for the concerned authorities under the A.P. Education Act and Rules framed there under, to take appropriate action either to enquire or for cancellation or setting aside the selections made.

4. Therefore, with the above observations, the writ petition is allowed. No costs.

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**(V.ESWARAIAH, J)**

Dated: 27th July, 2004.

Shr/Ak*

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday the twenty seventh day of July, Two thousand and four.

To

1.The Collector, Vizianagaram District, Vizianagaram.
2.The Sub collector, Parvathipuram, Vizianagaram District.
3.The Project Director, ITDA, Parvathipuram, Vizianagaram Dist.
4.The Regional Joint Director of School Education,

Kakinada, East Godavari District.
5.The District Educational Officer, Vizianagaram.

6.Two CCs to the Government Pleader for School Education,

High Court Buildings, Hyderabad (O.U.T).

7.Two CD copies.